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SUMMARY OF SB 123/HB 332

A. Effect of Bill.

SB 123/HB 332 exempts a refiner of aviation fuel from certain types of civil liability in connection with aviation accidents occurring in Alaska. The bill is designed to exempt a refiner from liability where the refiner no longer has control of the product being supplied. A refiner would continue to be liable for the quality of the fuel supplied where

- 1) Aviation fuel owned by the refiner was placed directly into an aircraft (for example, all large commercial carriers) or
- 2) the refiner intentionally or through gross negligence contributed to an accident.

B. Rationale for Bill.

It is well established that Alaska has a disproportionate number of small airplanes. It is equally well established that these same airplanes are involved in a disproportionate number of aviation accidents. Each such accident gives rise to a potential claim of contaminated fuel. Accordingly, companies marketing aviation fuel in Alaska are confronted with an enormous potential liability. The cost of this potential liability may not effectively be passed along to those purchasing aviation fuel in Alaska as the state's total volume is too low. Moreover, it is unfair to saddle

refiners with this liability as the vast majority of aviation fuel is marketed by independent airport dealers over which the refiner has no real control. Without this legislation, refiners may be forced to withdraw from the Alaska market (as one major refiner has recently done) or to adopt a "lower policy of making aviation fuel available only in 10,000 gallon quantities which must be purchased P.O.B. a company facility. That policy would have a substantial effect on all those who benefit from Alaska's present availability of aviation fuel.

Alaska Air Carriers Association

March 5, 1981

Mr. J. H. Howard
Marketing Manager
Chevron USA, Inc.
P.O. Box 1580
Anchorage, Alaska 99510

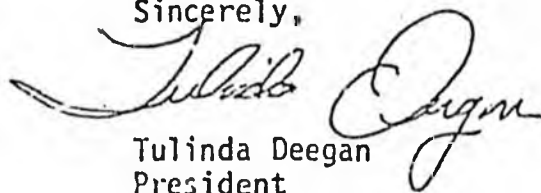
Dear Mr. Howard:

At the Annual Membership Meeting, February 28, 1981, the membership of the Alaska Air Carriers Association passed a resolution endorsing the concept of limiting the civil liability of aviation fuel refiners, pending further study of Senate Bill Number 123, by the Board of Directors of the AACA.

The AACA represents commercial air carriers in the state of Alaska. Members of AACA rely on aviation fuel refiners to supply sufficient fuel to serve the air transportation needs of Alaskans.

The AACA Board of Directors will be meeting in April to review the proposed legislation.

Sincerely,



Tulinda Deegan
President

TD:BC:kdc

decision to appoint
 The decision whether to
 an ad litem would appear
 measure on the age of
 the nature of the claim
 by the parent or parents.
 p. Ct. Op. No. 1303 (File
 2d 929 (1976); Veazey v.
 Op. No. 1381 (File No.
 182 (1977).

appoint guardian not
 etion. — Where neither
 gest any specific benefit
 an might bring to the
 ation proceedings, and
 guardian ad litem would
 d a postponement of the
 erior court did not abuse
 a failing to appoint a
 em for the two minor
 Lacy, Sup. Ct. Op. No.
 70), 553 P.2d 923 (1976).
 ould be advocate of
 azev v. Veazey, Sup. Ct.
 e No. 2631), 560 P.2d 382

item appointed pursuant
 n every sense the child's
 t only the power but the
 represent his client
 the best of his ability.
 r, Sup. Ct. Op. No. 1381
 60 P.2d 382 (1977).
 s of powers and duties
 Veazey v. Veazey, Sup
 File No. 2631), 560 P.2d

entitled to file such
 ions as a motion for
 on the same basis as a
 v. Veazey v. Veazey, Sup.
 File No. 2631), 560 P.2d

osts where parent is
 e trial court finds that a
 her portion of the costs
 y the state. If the trial
 is that she is receiving
 the indigent, the state is
 ection (b) of this section
 epayment from her.
 andes, Sup. Ct. Op. No.
 131), 554 P.2d 55: 1975.
 or v. Bonjour, Sup. Ct.
 lu No. 3965), 552 P.2d

protection of child
 ned by private agency.
 at the costs of services to
 e protection of the child
 gainst the parent, and
 y advance such costs to

parties temporarily without funds,
 subsection (b) of this section suggests that
 it is contemplated that such services
 typically are to be performed by a private
 agency. Granato v. Occhipinti, Sup. Ct.
 Op. No. 1962 (File No. 3756), 602 P.2d 442
 (1979).

Performance of "other services"
 cannot be compelled. — There is no
 implied grant of power in subsection (a) or
 (c) of this section to compel the
 performance of "other services" by a state
 agency not wishing to perform them.
 Granato v. Occhipinti, Sup. Ct. Op. No.
 1962 (File No. 3756), 602 P.2d 442 (1979).

The vague directive of this section that

in a private custody dispute the court may
 order that "services be provided for the
 protection of the child" does not empower a
 court to command the aid of the
 department of health and social services in
 a private custody dispute. Granato v.
 Occhipinti, Sup. Ct. Op. No. 1962 (File No.
 3756), 602 P.2d 442 (1979).

Distinctions between AS 47.10.020
 and this section. — See Granato v.
 Occhipinti, Sup. Ct. Op. No. 1962 (File No.
 3756), 602 P.2d 442 (1979).

Quoted in Chavre v. Chavre, Sup. Ct.
 Op. No. 1591 (File No. 3349), 598 P.2d 81
 (1979).

Sec. 09.65.135. Limitations on claims arising from skiing. (a) A skier may not recover from a ski area operator for injury resulting from an inherent risk of skiing unless the injury occurred when the ski area operator was not providing the information required by (b) of this section.

(b) A ski area operator shall post trail signs at prominent locations within a ski area which shall include a list of the inherent risks of skiing and the limitation on liability of the ski area operator provided by this section.

(c) In this section

(1) "inherent risks of skiing" means the dangers or conditions which are an integral part of the sport of skiing, including, but not limited to,

- (A) changing weather conditions;
- (B) variations or steepness in terrain;
- (C) snow or ice conditions;
- (D) surface or subsurface conditions such as bare spots, forest growth, and rocks;
- (E) collisions with lift towers, other structures, and their components unless the skier is on the lift;
- (F) collisions with other skiers; and
- (G) a skier's failure to ski within the limits of his own ability;

(2) "injury" means a personal injury or property damage or loss;

(3) "skier" means a person in a ski area engaged in the sport of skiing, sliding downhill on snow or ice on skis, a toboggan, a sled, a tube, a ski-bob, or other device for recreation in snow;

(4) "ski area" means all ski slopes, trails and other places under the control of a ski area operator and administered as a single enterprise in the state;

(5) "ski area operator" means the operator of a ski area. (§ 2 ch 80 SLA 1980)

→ SB 123: adds section 140. Here.
 "Civil Liability of an Aviation Fuel Refiner."